



MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS

Regular Meeting

April 4, 1968  
10:00 A. M.

Council Chamber, City Hall

The meeting was called to order with Mayor Akin presiding.

Roll Call:

Present: Mayor Akin, Councilmen Janes, Long, LaRue, Nichols

Absent: None

Also Present: R. M. Tinstman, City Manager; Doren R. Eskew, City Attorney

Invocation was delivered by REVEREND WILLIS T. ERICKSON, Gethsemane Lutheran Church.

COLT LEAGUE PLAYOFFS

Mr. R. J. Bohls presented a petition regarding the Colt League playoff. He explained the Colt League South Austin Association has a contract to hold the Southern Divisional Tournament here on August 6-12, 1968, and he asked the Council for verification of a field on which this could be played. The original intention was to procure Disch Field; however, conditions of the field made this unfeasible. Mr. Billy McNamara, District Director of Austin Colt League, explained the original agreement was for Disch Field which was a suitable field. Councilman Nichols suggested the use of House Park. Mr. Sheffield, Director of Recreation, agreed that House Park had been mentioned to the Colt League if Disch Field proved unacceptable. Mr. Bohls explained if the Divisional playoffs were held here, then Austin would be eligible for the Colt League World Series in 1971. The Council, on Councilman Long's motion, voted that House Park be reserved for this League.

The motion, seconded by Councilman LaRue, carried by the following vote:

Ayes: Mayor Akin, Councilmen Nichols, Janes, LaRue, Long

Noes: None

PURCHASE OF BONNER PROPERTY - URBAN RENEWAL

Mrs. Frances Bonner, 1131 Railroad, was recognized by the City Council. Regarding the purchase of her property, Mrs. Bonner explained she had an offer of \$3,750, but she was unable to buy a suitable home for this amount. Mr. Leon Lurie reported he had reviewed her case in detail; and at this time there are no properties available for \$3,500 or \$3,700. In the past there had been such properties, and there would be some in the future. He emphasized that her case had not been closed, and that the Urban Renewal would take no action until Mrs. Bonner's various problems were brought into focus and she given the benefit of properties that would become available. Her home is in Glen Oaks Project No. 1. It was seriously considered that the house be moved and rehabilitated on another site and this was a possibility. Councilman Long pointed out that Mrs. Bonner would have to pay \$2,000 for a lot, and would be paid only \$1,000 for her old lot. Mr. Lurie said with the non-profit sponsor of International Cooperatives that structures are being planned in the \$3,000 and \$4,000 price range. These would be single family, one and two-bedroom rehabilitated houses brought up to all the new standards. Mrs. Bonner's house is subject to flooding, and the creek runs through the front of the property.

Mr. Lurie mentioned there were a number of different judgments on the property, and efforts were being made to verify the names and identify correctly the people in whose names the judgments are made. Councilman Nichols stated in effect what is being done with Urban Renewal is destroying the right an individual has under the Homestead Law. The City Attorney was questioned about this and he explained the protections under the Homestead Law. He added, however, the fact that a house is homesteaded does not prevent its being foreclosed for taxes. Therefore, Urban Renewal relocation does not remove any exemption since the exemption does not exist. He also discussed the policy on hardship cases.

Councilman Long said as long as she was on the Council, should the City take a hard policy of trying to throw people out of their homes who were unable to pay and they have no other place to go, she would put up a big fight, as she was not in accord with throwing people out of their homes for tax purposes. The way land had increased in value, any time an elderly person is deceased, the City could recover its taxes. As far as people that are able to pay--that is a different matter altogether.

Mr. Lurie wanted to reassure the Council that the case had never been closed, and it is the philosophy of the Agency, which is in line with the feelings of the Council, that certainly no one is going to be asked to leave their property without having another sufficient place to go. As a result of this thinking, they had not proposed to the Urban Renewal Board that any further action be taken on this case. He said the agency's relocation department would continue to work on Mrs. Bonner's case. They are still trying to identify the family in regard to the tax judgments and also several other judgments such as ABC Loan Plan. Councilman Long stated she could not see saddling Mrs. Bonner with a large debt in order to buy an \$8,000 house. She asked what was the use to move persons to better homes and then their standing a chance of being thrown out because they could not make payments. It was pointed out by Mr. Lurie that so far there had not been one home that had been repossessed because of lack of payments or somebody's getting in debt over their head. This will be in the report sent to everyone via the City Manager at his request.

Councilman LaRue asked Mr. Lurie if he had received a directive from HUD in the last six months indicating that individuals would be paid the fair market value of their property at the initial offer and that they would not be dickered with or try to persuaded to take less. Mr. Lurie replied that this had always been followed since the inception of the agency. In Mrs. Bonner's case the recommendation from the staff based on the two appraisals was to take the highest figure of the two that were received, and this was offered to Mrs. Bonner. There was a discussion as to what constituted fair market value by Councilman Nichols, and he stated that even though the people are paid whatever the appraiser says the place is worth, this does not in the least guarantee them that they can find another dwelling that will come within the scope of their ability to pay. Councilman Long suggested that East Austin real estate men be brought in to help look at these properties, as they may have a different point of view in evaluation. Mr. Lurie stated that the situation was reviewed with Mr. T. W. Kinchon, and with Mr. Smith and Mr. Anderson, also Bob Wormley. Mayor Akin pointed out that the City of Austin is not interested in driving sharp bargains in acquiring property of this kind.

Councilman Janes asked if there were no possibility within the time available of finding another lot and moving the house at not cost to the Bonners. Mr. Lurie explained that under the State law, they could purchase the land and improvements from the Bonners, who could exercise the option to come back in and purchase another lot and move the house but as far as paying the actual moving costs of the house, the Agency could not undertake this particular step. Councilman Janes then expressed the opinion that .17 cents a square foot was not very much money for that lot. Mr. Lurie explained that the value of \$1000 was established for the basic reason that the entire property is subject to flooding from the creek out there. It was then asked if there was any Federal aid available for displaced persons in areas such as this. Mr. Lurie said that some of the legislation now before Congress would alleviate this type of condition to some degree but certainly not 100%.

Mr. Lurie also pointed out that it was a logical assumption for the various non-profit groups to provide these things with no profit involved in them, so that the costs are kept down as low as possible. This of course, is being worked on. There have already been five of these homes, with a minimum down payment of \$200.

The five houses ranged from two bedrooms to four bedrooms. The prices were from \$3,100 at 3% interest to \$9,900. They are on Angelina Street in the 1100 block, but are not yet finished. The tenants in the Glen Oaks area have not been asked to move out of their places in Glen Oaks until such time as they can move into these houses. Mr. Tinstman said that the Council, Urban Renewal Authority, Staff or any of the City administrative staff would not want to be a party to unnecessarily imposing an additional mortgage obligation on any individual that they do not want, and this is the problem they are trying to solve. Councilman LaRue said there was some justification when an area is being flooded such as this is.

Councilman Janes noted that they have three years in which to locate Mrs. Bonner. Councilman Long asked Mrs. Bonner if her house had been flooded to the extent of having someone come to get them out. Also she noted that Mrs. Bonner would like to move from this flood area, but it is just a matter of the amount of money that she was going to have to spend, but she would like to move as soon as possible. Councilman Long then expressed her appreciation for Mrs. Bonner's

having come before the Council and stated that Mr. Lurie would work with her in any way he can and try to get this situation worked out to her best interests. Mr. Lurie said that he would call in two or three real estate people in East Austin on this particular case and let them take a look at it also.

#### RESIDENTIAL CHANGE IN KEALING PROJECT

Councilman Long brought up the fact that she had had a call from a man in the area along 12th, which is being changed to "B" residential area from a "C" commercial area. There will be a large apartment complex there. He felt that this area should be reserved for single family dwellings. In the Kealing project, she asked, was this anticipated as a new residential area? Mr. Lurie replied that the area from Angelina Street to Comal Street would be residential. There are also some additional rent supplement units for the Kealing project. Councilman Long stated that she objected to it being built in the "C" commercial area, and asked if an "A" residential district was being drawn up and protected. Mr. Lurie replied it was protected by a paved alley which runs down through the area behind Mr. Van Dyck's house which is again between Comal and Leon. Councilman Long thought that the apartment houses were being built at the end of Angelina and that turn around, and not back over into the other area. Mr. Lurie stated that the other B which originally established was down one block east of the new units which are being built. The other commercial area actually goes down for the next two block area further towards Chicon Street and it is being retained as commercial and was from its inception.

#### ANNEXATION ORDINANCE

The Mayor opened the hearing on the annexation ordinance. No one appeared to be heard. Councilman Long moved the hearing be closed and pass the following ordinance through its first and second readings:

6.84 acres of land out of the Santiago Del Valle Grant (unplatted land).

11.29 acres of land out of the Janes P. Wallace Survey No. 18, proposed Northwest Terrace, Section 2 and a small unplatted tract.

44.18 acres of land out of the J. C. Tannehill League, proposed The Bluffs of University Hills and a part of Manor Road.

The motion, seconded by Councilman Nichols was read the first time and carried by the following vote:

Ayes: Councilmen Long, Nichols, Mayor Akin, Councilman Janes, LaRue  
Noes: None

The motion, seconded by Councilman Nichols was read the second time and carried by the following vote:

Ayes: Councilmen Long, Nichols, Mayor Akin Councilman Janes, LaRue  
Noes: None

## ZONING REQUEST GRANTED

The Council hear the following zoning application:

ROBERT H. BROWN

5909-6103 Manor Road

From "A" & Interim "A" 1st H&A  
 To "B" 1st H&A (As amended)  
 Recommended as amended  
 Granted as recommended with the  
 addition of the 25' set back  
 from the east property line with  
 a restricted covenant of no more  
 than 130 units.

Mr. Robert H. Brown, owner of the property, explained his request for further consideration on his zoning application due to additional points he wanted to bring out that were not mentioned at the first hearing. He was asking for a 25' set back as the other houses have set backs of 25' and 20' from his property line. He had pictures showing sheds built against the fence, causing it to bulge, and the house is only 25' from the property line. Other houses in the area vary from 25' to 35'. A swimming pool was shown in one picture. Mr. Brown's request was a 25' set back in order to be in balance with the neighborhood, and he said it would not be desirable to build apartments right up against the fence. He pointed out on the plat a high pressure gas line easement across the property, stating the distance from the east edge of the easement is approximately 125' to the corner. If the "no construction" restriction is made, he would be unable to get 120 units on the land. One acre (approximately one fifth) would be taken off. Councilman Long inquired about the compensation Mr. Brown was paid for the easement. He answered the gas line easement was on the property when he purchased it, and there is a restriction that there be no building within 25' of a high pressure gas line. Councilman Janes moved that the request by owner be granted.

The motion, seconded by Councilman Long, carried by the following vote:

Ayes: Councilman Nichols, Mayor Akin, Councilmen Janes, LaRue  
 Noes: Councilman Long

## FINAL PASSAGE OF ANNEXATION ORDINANCE

Councilman Nichols moved the following ordinance be passed:

AN ORDINANCE PROVIDING FOR THE EXTENSION OF CERTAIN BOUNDARY LIMITS OF THE CITY OF AUSTIN AND THE ANNEXATION OF CERTAIN ADDITIONAL TERRITORY CONSISTING OF 89.70 ACRES OF LAND, SAME BEING OUT OF AND A PART OF THE GEORGE W. DAVIS SURVEY, 5.24 ACRES OF LAND, SAME BEING OUT OF AND A PART OF THE JAMES MITCHELL SURVEY, 5.37 ACRES OF LAND, SAME BEING OUT OF AND A PART OF THE JAMES MITCHELL SURVEY, 5.54 ACRES OF LAND, SAME BEING OUT OF AND A PART OF THE JAMES MITCHELL SURVEY, ALL BEING LOCATED IN TRAVIS COUNTY, TEXAS; WHICH SAID ADDITIONAL TERRITORY LIES ADJACENT TO AND ADJOINS THE PRESENT BOUNDARY LIMITS OF THE CITY OF AUSTIN, IN PARTICULARS STATED IN THE ORDINANCE.

The ordinance was read the first time and Councilman Nichols moved that the rule be suspended and the ordinance pass to its second reading. The motion, seconded by Councilman LaRue, carried by the following vote:

Ayes: Councilman Nichols, Mayor Akin, Councilmen Janes, LaRue, Long  
Noes: None

The ordinance was read the second time and Councilman Nichols moved that the rule be suspended and the ordinance pass to its third reading. The motion, seconded by Councilman LaRue, carried by the following vote:

Ayes: Councilman Nichols, Mayor Akin, Councilmen Janes, LaRue, Long  
Noes: None

The ordinance was read the third time and Councilman Nichols moved that the ordinance be finally passed. The motion, seconded by Councilman LaRue, carried by the following vote:

Ayes: Councilman Nichols, Mayor Akin, Councilmen Janes, LaRue, Long  
Noes: None

The Mayor announced the ordinance had been finally passed.

#### ZONING ORDINANCE

Councilman Nichols moved, the Council pass the following ordinance:

AN ORDINANCE ORDERING A CHANGE IN USE AND HEIGHT AND AREA AND CHANGING THE USE AND HEIGHT AND AREA MAPS ACCOMPANYING CHAPTER 39 OF THE AUSTIN CITY CODE OF 1954 AS FOLLOWS:

LOTS 24-29, BLOCK 11 OF THE HYDE PARK ADDITION, LOCALLY KNOWN AS 4306-4312 AVENUE B, FROM "A" RESIDENCE DISTRICT AND FIRST HEIGHT AND AREA DISTRICT TO "B" RESIDENCE DISTRICT AND SECOND HEIGHT AND AREA DISTRICT; SAID PROPERTY BEING LOCATED IN AUSTIN, TRAVIS COUNTY, TEXAS; AND SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS.

The ordinance was read the first time and Councilman Nichols moved that the rule be suspended and the ordinance pass to its second reading. The motion, seconded by Councilman LaRue, carried by the following vote:

Ayes: Mayor Akin, Councilmen Janes, LaRue, Long, Nichols  
Noes: None

The ordinance was read the second time and Councilman Nichols moved that the rule be suspended and the ordinance pass to its third reading. The motion, seconded by Councilman LaRue, carried by the following vote:

Ayes: Mayor Akin, Councilmen Janes, LaRur, Long, Nichols  
Noes: None

The ordinance was read the third time and Councilman Nichols moved that the ordinance be finally passed. The motion, seconded by Councilman LaRue, carried by the following vote:

Ayes : Mayor Akin, Councilmen Janes, LaRue, Long, Nichols  
 Noes : None

The Mayor announced that the ordinance had been finally passed.

#### REPORT ON AMBULANCE PETITION

Councilman Long moved the Council receive the report on the Check of the Ambulance Petition filed by Maurice Angley. The Ambulance Report showed the following:

#### REPORT ON AMBULANCE PETITION CHECK

Letters mailed March 1, 1968		972
Letters returned as of April 2, 1968		228
Qualified Voters	165	
Disqualified Voters	40	
Change of Mind	2	
Misunderstood question	2	
Discrepancies	<u>19</u>	228
Returned unclaimed	45	273

The motion, seconded by Councilman Nichols, carried by the following vote:

Ayes : Mayor Akin, Councilmen Janes, LaRue, Long, Nichols  
 Noes : None

It was suggested that letters be mailed to those listed as disqualified voters as an additional check, as they may have moved from the precinct in which their registration certificate was issued. It was suggested that the City Attorney contact the interested parties to see if there is any way they might have for speeding this up.

#### POLICY OF MOWING LOTS

The City Manager brought up a new procedure to be initiated regarding clearing or mowing vacant lots, in that a ten-day notice would be issued by the Health Department to the owner of record and sent by certified mail. This notice would include a list of people who do this work, together with an estimate of the cost if the City clears the lot. If it is not cleared within the specified time limit of ten days, a Parks Department crew would be ordered to cut the lot and a bill for services would be sent to the owner. If this bill is not paid, the cost incurred in the work will be charged as a lien against the property. It is anticipated that the Parks Department personnel and equipment could be used on Saturdays on overtime basis. For about 14 weekends during the growing season it would be estimated, to follow this schedule, that the total cost would not be in excess of \$3500, which would either be recovered from the owner or could be charged against the property. Councilman Nichols stated this should be a uniform

policy and not relegated to just one section of Austin--it should be for all sections of the City. Mr. Hargis, Health Department, said work would necessarily be concentrated in one area at a time due to availability of the personnel; but the program would be city-wide, and there would be no favoritism. The City Manager pointed out another problem would be the large under developed vacant tracts, and asked if the Council would want the entire tract mowed, or just a reasonable distance from adjoining residences or street right of way. Councilman Nichols stated for those properties within the city limits there should be no reason why they could not be mowed. After more discussion the Council, on Councilman Long's stated motion, seconded by Councilman LaRue, voted to pass the ordinance appropriating from the Contingency Fund \$3,500, and to authorize the City of clear off vacant lots if the property owner is not available to do it. It was pointed out the property owner could clear the lot at less expense than for the City to have to do it, and the City Manager said the property owner would be encouraged to have the lot cleared himself.

#### CAMELOT SUBDIVISION

Councilman LaRue asked if there had been investigation of a complaint about standing water in Camelot Subdivision and whether it could be sewage. Mr. Hargis, Health Department, replied this had been investigated and dye was used in the comodes, but no dye came to the surface. He reported there is ground water and seepage everywhere now, and this condition will probably clear itself up.

#### SPECIAL REPORTS

The following special reports were received:

1. Level of Transportation Service on South 1st Street.
2. Inventory of Traffic Control Devices
3. Monthly report of the Austin Urban Renewal Agency.
4. Municipal Facilities 1967

Councilman Long complimented the Municipal Facilities Report.

On Councilman Nichols' motion, the Council noted the receipts of these reports. The motion, seconded by Councilman LaRue, carried by the following vote:

Ayes: Councilmen LaRue, Long, Nichols, Mayor Akin, Councilman Janes  
Noes: None

#### MODEL NEIGHBORHOOD PROGRAM

The City Manager distributed copies of an application to the Council, with the recommendation that a public hearing be set at 10:30 A.M., April 11, 1968. There is also proposed a neighborhood meeting to answer questions and try to describe the proposed application to residents of this area. On Councilman Long's motion the Council would vote to accept the report and set the public hearing on the Model Neighborhood Program for April 11, at 10:30 A.M. Councilman LaRue made the following statement concerning his vote:

"I would like to state that I will vote for the calling for the public hearing but I am confident today that I cannot support a request for this amount of area involved."

Councilman Nichols stated he was of the same opinion; he was not satisfied with some of the area involved, but he was willing to hear it in a public hearing.

Councilman Long stated the large area would give a better overall working situation in that the whole area would not be redone, but the large area would be used to complement the neighborhoods that are going to be included. She said it would be necessary to have the larger area and rejuvenate the whole area through establishing programs in neighborhood areas that will be real intensive, and drawing from the whole area.

It was felt if the Council room were crowded and all the interested people could not be heard, that the meeting could be adjourned until 2:30 at another larger auditorium.

PETITION FROM CITIZENS  
ON SALINA AND CHICON STREETS

Mr. Pablo Falcon had called in asking his request to present a petition of the citizens on Salina and Chicon Streets be withdrawn, and the Council honored his request. The City Manager announced there would be a meeting Wednesday at 7:30 P.M. to meet with these citizens and members of the Park and Recreation Department, property acquisition Staff Members, Legal Department, a representative of the School District and himself.

BUILDING STANDARDS COMMITTEE ON SUBSTANDARD HOUSES

The Council took no action on the following houses, upon the recommendation of the City Manager:

1. Messrs. A. H. Simpson and Raymond Foster, 706 Beaver Street
2. Mrs. S. C. Corbett, 7101 Guadalupe

The Building Official reported the sewage problems at 706 had been solved, and a building permit to repair the building has been obtained, and work started .

Mr. Corbett has taken out a permit, and is in the process of remodeling.

Councilman Janes asked about the Produce Company at 301 West 4th that partly collapsed. Councilman Nichols noted the wall seemed to be crumbling, and it would probably fall before anything is done. The Building Official reported a letter had been sent to the owner, advising him of the hazardous condition, and the building is locked up now.

The City Attorney stated in this particular case the same attorney represents both the land owner and the lessee, and this Attorney had assured him they would remove whatever was necessary as quickly as they could and render the building completely safe, either by repair or demolition with all speed possible.

#### MISSOURI PACIFIC BOULEVARD BILL BOARDS

Councilman Nichols brought up the matter of billboards and curb cuts on the access roads of Missouri Pacific Boulevard stating he had discussed this with a member of the Planning Commission, Mr. Dunnam. Councilman Nichols was emphatic in providing that no billboards be erected along this boulevard from Highway 183 to Ben White Boulevard, as the thoroughfare went through residential sections as well as park areas. Councilman Long asked if an ordinance could affect only one situation, or would it have to be uniform. The City Attorney stated a billboard ordinance would have to be uniform; however curb cuts may be regulated on individual basis. Councilman Long stated there was an understanding with the Highway Department about curb cuts and there is certainly not be any commercial zoning along the boulevard. It is already controlled by zoning. Councilman Nichols reiterated his urging of preventing billboards along the Missouri Pacific Boulevard, anticipating there would be little slivers of left over right away, and there would be requests before the Council for zoning that would permit billboards. He thought now was the opportune time to regulate the billboards and start on this particular thoroughfare. He asked if it would be possible for an ordinance to be passed; and by prior usage those throughfares which already have billboards could be excluded. The City Attorney stated there were some contractual arrangements in this regard both with the Railroad Company and the Highway Department.

The City Attorney pointed out there are legal inhibitions against the fixing of a special policy that would apply to the property along one throughfare. The City Manager suggested a review of the commitments that exist and see what the Council could do. It was agreed that the Council have a study made to find the most feasible means to accomplish the purpose of restricting billboards on Missouri Pacific Boulevard.

#### ANNEXATION HEARING SET (BALCONES TERRACE)

The Council introduced, ordered published and set for public hearing at 10:30 A.M., April 18, 1968, an ordinance to annex the following:

14.00 acres of land out of the James Mitchell Survey - proposed  
Balcones Terrace.

Councilman Nichols moved the following ordinance be introduced. The motion, seconded by Councilman LaRue, carried by the following vote:

Ayes: Councilman Nichols, Mayor Akin, Councilmen Janes, LaRue, Long  
Noes: None

VACATING A PORTION OF LUPIN LANE

Mayor Akin brought up the following ordinance:

AN ORDINANCE VACATING AND PERPETUALLY CLOSING FOR PUBLIC USE THAT CERTAIN PORTION OF LUPINE LANE IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS; RETAINING AN EASEMENT IN THE CITY FOR PUBLIC UTILITY AND DRAINAGE PURPOSES; SUSPENDING THE RULE REQUIRING THE READING OF AN ORDINANCE ON THREE SEPARATE DAYS; AND DECLARING AN EMERGENCY.

The ordinance was read the first time and Councilman Long moved that the ordinance be passed to its second reading, suspending the rule requiring an ordinance to be read on three separate days. The motion, seconded by Councilman Nichols, carried by the following vote:

Ayes: Mayor Akin, Councilmen Janes, LaRue, Long, Nichols  
Noes: None

The ordinance was read the second time and Councilman Long moved that the ordinance be passed to its third reading, suspending the rule requiring an ordinance to be read on three separate days. The motion seconded by Councilman Nichols, carried by the following vote:

Ayes: Mayor Akin, Councilmen Janes, LaRue, Long, Nichols  
Noes: None

The ordinance was read the third time and Councilman Long moved that the ordinance be finally passed. The motion, seconded by Councilman Nichols, carried by the following vote:

Ayes: Mayor Akin, Councilmen Janes, LaRue, Long, Nichols  
Noes: None

The Mayor announced that the ordinance had been finally passed.

STREET NAME CHANGES

Councilman Long moved, the Council adopt the following resolution changing the names of the following streets:

- (1) Village Way Drive to VILLAGE CIRCLE
- (2) Acacia Avenue to VILLAGE WAY DRIVE
- (3) Acacia Avenue to FAIRMONT CIRCLE
- (4) Village Way Drive to FAIRHILL DRIVE

(RESOLUTION)

WHEREAS, on a map or plat of Fairmont Park, Section One, a subdivision of record in Book 30 at page 26 of the Plat Records of Travis County, Texas, a

certain street extending from the south or southwest line of Southern Oaks Drive in a southwesterly direction 139 feet, more or less, to the end of street as shown on said map or plat of Fairmont Park, Section One, is designated as Village Way Drive; and,

WHEREAS, on a map or plat of Fairmont Park, Section One, a subdivision of record in Book 30 at page 26 of the Plat Records of Travis County, Texas, a certain street extending from the south or southwest line of Southern Oaks Drive in a southwesterly direction 128 feet, more or less, to end of street as shown on said map or plat of Fairmont Park, Section One, is designated as Acacia Avenue; and,

WHEREAS, on a map or plat of Southern Oaks, Section 6, a subdivision of record in Book 18 at page 5 of the Plat Records of Travis County, Texas, a certain street extending from the east or southeast line of Buffalo Pass in a southeasterly direction 115 feet, more or less, to end of street as shown on said map or plat of Southern Oaks, Section 6, is designated as Acacia Avenue; and,

WHEREAS, on a map or plat of Southern Oaks, Section 6, a subdivision of record in Book 18 at page 5 of the Plat Records of Travis County, Texas, a certain street extending from the east or southeast line of Buffalo Pass in a southeasterly direction 125 feet, more or less, to end of street as shown on map or plat of Southern Oaks, Section 6, is designated as Village Way Drive; and,

WHEREAS, the owners of lots abutting the hereinafter described streets have requested that the name of Village Way Drive be changed to Fairhill Drive; the name of Acacia Avenue be changed to Fairmont Circle; the name of Acacia Avenue be changed to Village Way Drive; and the name of Village Way Drive be changed to Village Circle; Now, Therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That the name of the following described street designated as Village Way Drive, as the same appears on the map or plat of Fairmont Park, Section One, a subdivision of record in Book 30 at page 26 of the Plat Records of Travis County, Texas, be and the same is hereby changed to Fairhill Drive, said street so changed being described as follows:

Being a portion of that certain street in the City of Austin Travis County, Texas, known as Village Way Drive and as shown on a map or plat of Fairmont Park, Section One, a subdivision of record in Book 30 page 26 of the plat Records of Travis County, Texas; which Village Way Drive extends from the south or southwest line of Southern Oaks Drive in a southwesterly direction 139 feet, more or less, to end of street as shown on said map or plat of Fairmont Park, Section One,

BE IT FURTHER RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That the name of the following described street designated as Acacia Avenue, as the same appears on the map or plat of Fairmont Park, Section One, a subdivision of record in Book 30 at page 26 of the Plat Records of Travis

County, Texas, be and the same is hereby changed to Fairmont Circle, said street so changed being described as follows :

Being a portion of that certain street in the City of Austin, Travis County, Texas, known as Acacia Avenue and as shown on a map or plat of Fairmont Park, Section One, a subdivision of record in Book 30 at page 26 of the Flat Records of Travis County, Texas; which Acacia Avenue extends from the west or southwest line of Southern Oaks Drive in a southwesterly direction 128 feet, more or less, to end of street as shown on said map or plat of Fairmont Park, Section one.

BE IT FURTHER RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That the name of the following described street designated as Acacia Avenue, as the same appears on the map or plat of Fairmont Park, Section One, a subdivision of record in Book 30 at page 26 of the Flat Records of Travis County, Texas, be and the same is hereby changed to Fairmont Circle, said street so changed being described as follows :

Being a portion of that certain street in the City of Austin, Travis County, Texas, known as Acacia Avenue and as shown on a map or plat of Fairmont Park, Section One, a subdivision of record in Book 30 at page 26 of the Flat Records of Travis County, Texas; which Acacia Avenue extends from the south or southwest line of Southern Oaks Drive in a southwesterly direction 128 feet, more or less, to end of street as shown on said Map or plat of Fairmont Park, Section One,

BE IT FURTHER RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That the name of the following described street designated as Acacia Avenue, as the same appears on the map or plat of Southern Oaks, Section 6, a subdivision of record in Book 18 at page 5 of the Flat Records of Travis County, Texas, be and the same is hereby changed to Village Way Drive, said street so changed being described as follows :

Being a portion of that certain street in the City of Austin, Travis County, Texas, known as Village Way Drive and as shown on a map or plat of Southern Oaks, Section 6, a subdivision of record in Book 18 at page 5 of the Flat Records of Travis County, Texas; which Village Way Drive extends from the east or southeast line of Buffalo Pass in a southeasterly direction 125 feet, more or less, to end of street as shown on said map or plat of Southern Oaks, Section 6.

The motion, seconded by Councilman Nichols, carried by the following vote :

Ayes : Councilmen Janes, LaRue, Long, Nichols, Mayor Akin  
 Noes : None

The Mayor announced that the resolution had been passed.

#### HUMAN OPPORTUNITIES CORPORATION

Councilman Long moved, the Council set a public hearing designating the Human Opportunities Corporation as the Community Action Agency for the City of Austin, for 10:30 A.M., April 18, 1968.

The motion, seconded by Councilman LaRue, carried by the following vote:

Ayes : Councilmen LaRue, Long, Nichols, Mayor Akin, Councilman Janes  
 Noes : None

#### TEXAS WATER QUALITY BOARD

The City Manager gave a brief background of the statement to the Water Quality Board on proposed amendment of water quality standards, stating as a result of Federal, and more recently State action, various criteria had been established with respect to water conservation, and water quality standards. City Staff members attended a hearing called by the Texas Water Quality Board on March 28th, and asked for the prerogative, subject to Council consideration, to file a statement expressing some of the thinking of this municipality before the Texas Water Quality Board. Councilman Long asked how did the City differ with the Board. Mr. Dave Smallhurst explained that the Secretary of the Federal Department of Interior requested that the Texas Water Quality Board adopt amendments to the Texas Water Quality Standards. The amendment proposed would read in part, "Interstate and Intrastate waters in the State whose existing quality is better than the applicable quality standards described herein as of the date when these standards become effective, will be maintained at their existing high quality, and none of these waters will be lowered in quality unless and until it has been affirmatively demonstrated to the Texas Water Quality Board that the change is justifiable as a result of desirable economic and social development", etc. It was the concern of the City Staff and engineers the statement is too broad, and does not give a reasonable criteria to observe. The City manager pointed out that by having in the statement the possible exception based on necessary economic development, etc., that after awhile, this could be just a perfunctory justification for degrading water. If the City is to justify something it should have to justify it to more specific criteria. The anti-pollution ordinance passed recently does not set up standards and criteria such as the proposed regulation which could be either statewide or nationwide. The City Manager explained what is being done is to encourage more specific criteria. Each member of the Council and the Mayor discussed the proposed amendment to the water quality standards in detail. The Council, on Councilman LaRue's motion, seconded by Councilman Nichols voted that the Council go on record as endorsing this statement to the Water Quality Board on both amendments to water quality standards. Councilman Long was present but did not vote, and made the following statement:

"I am not voting on this, and I feel the recommendation is that the City is not trying to lower the standards of the quality of water, but it is merely trying to get an understanding of what this broad statement actually means. It is rather dogmatic in that it says if you would lower it all , and with half a dozen cities dumping water in, it is naturally going to be a little bit lower over a period of time.

The motion, seconded by Councilman Nichols, carried by the following vote:

Ayes: Councilman Nichols, Mayor Akin, Councilmen Janes, LaRue

Noes: None

Abstain: Councilman Long

The Mayor introduced the following:

As presently written, the standards do not contain a statement concerning the policy of the State to protect the quality of those waters whose quality presently exceeds the described standards. Therefore, in response to a request of the Secretary of the Interior for a statement on this issue, the statement as adopted follows:

The first amendment is a completely new provision; the second is a revision of an existing policy statement to bring it in line with the new provisions.

#### Amendment No. 1

In implementing the foregoing, it is the policy of the Texas Water Quality Board that the interstate and intrastate waters in the State whose existing quality is better than the applicable water quality standards described herein as of the date when these standards become effective will be maintained at their existing high quality, and none of these waters will be lowered in quality unless and until it has been affirmatively demonstrated to the Texas Water Quality Board that the change is justifiable as a result of desirable economic or social development and will not interfere with or become injurious to the uses of the waters as described in these standards. It is further the policy of the Texas Water Quality Board to provide the fullest protection possible to the underground waters in the State. The Board will not authorize or approve any activity which will result in the quality of any of the interstate waters in the State being reduced below the standards described herein without complying with the Federal and State laws applicable to the amendment of water quality standards. Any indus-

trial, public or private project or development which would constitute a new source of pollution or an increased source of pollution of any of the waters in the State, both surface and underground, will be required, as part of the initial project design, to provide the highest and best degree of waste treatment available under existing technology consistent with the best practice in the particular field affected under the conditions applicable to the project or development. In the spirit of the Federal Water Pollution Control Act, the Board will keep the Department of the Interior informed on its activities and will furnish to the Department such reports, in such form and containing such information as the Secretary of the Interior may from time to time reasonably require to carry out his functions under the Act. Additionally, the Board will consult and cooperate with the Department of the Interior on all matters affecting the Federal interest.

#### Amendment No. 2

It is the policy of the State of Texas, acting through the Texas Water Quality Board, the Texas State Department of Health, and other agencies participating in Texas Water Quality Board activities, to require primary and secondary treatment and disinfection (except for oxidation pond effluents) at all facilities serving the general public and which treat domestic sanitary wastes. Treatment or control of industrial wastes is equally important as the treatment or control of municipal (domestic) wastes. It is the policy of the Texas Water Quality Board to require a comparable high standard of treatment or control of industrial wastes being discharged to the waters in the State. Therefore, any industrial, public or private project or development which would constitute a new source of pollution or an increased source of pollution of any of the waters in the State, both surface and underground, will be required, as part of the initial project design, to provide the highest and best degree of waste treatment available under existing technology consistent with the best practice in the particular field affected under the conditions applicable to the project or development.

Minor language changes are proposed to be made in the Plan for Implementation and Enforcement to reflect the policy set forth in the quoted provisions.

LOYALTY OATH

The Mayor introduced the following:

"Honorable Mayor and Members  
of the City Council;  
City of Austin  
Austin, Texas

"Subject: Loyalty Oath

"Gentlemen and Mrs. Long:

"The existing Personnel Policies read as follows with respect to the above subject:

"3.7 Loyalty Oath. Every employee shall be required to sign a loyalty oath as specified by the City Council and all new employees shall be required to sign the oath upon their employment." (underline added for emphasis).

"In view of the recent legal determination on this matter, it is recommended that the City Council act favorably on one of the two alternatives described below:

Alternate 1 - amend Section 3.7 of the Personnel Policies to read as follows:

"3.7 Oath. Before entering upon duty, every new employee shall sign the oath specified by the City Charter and the Constitution of Texas."

Alternate 2 - under the existing provisions of Section 3.7 the City Council by motion may act as follows:

"The oath required of new employees under Section 3.7 of the existing Personnel Policies shall be that stipulated in the City Charter and the Constitution of Texas."

Oath required by State Constitution and City Charter:

"I, \_\_\_\_\_, do solemnly swear (or affirm), that I will faithfully execute the duties of the office of \_\_\_\_\_ of the City of Austin, of the State of Texas, and will to the best of my ability preserve, protect, and defend the Constitution and laws of the United States and of this State; and I furthermore solemnly swear (or affirm), that I have not directly nor indirectly paid, offered, or promised to pay, contributed, nor promised to contribute any money, or valuable thing, or promised any public office or employment, as a reward to secure my appointment or the confirmation thereof. So help me God."

The motion, seconded by Councilman Janes, carried by the following vote:

Ayes: Councilman Nichols, Mayor Akin, Councilmen Janes, LaRue, Long  
Noes: None

#### PARADE PERMIT

Councilman Long moved the Council approve a parade permit for HORSELESS CARRIAGE CLUB OF AMERICA for June 7, 1968. The motion, seconded by Councilman LaRue, carried by the following vote:

Ayes: Mayor Akin, Councilmen Janes, LaRue, Long, Nichols  
Noes: None

#### SALE OF HOUSES FOR URBAN RENEWAL

Councilman Long moved the Council accept the highest bids and pass the following resolution.

#### (RESOLUTION)

WHEREAS, bids were received by the City of Austin on March 27, 1968, for the sale of twelve (12) houses that Urban Renewal has turned over to the City for disposal by demolition; and,

WHEREAS, the bids of Chas. McNeece in the sum of \$25.00 for the house located at 1130 Lowe, in the sum of \$60.00 for the house located at 1100 Nile; the bids of James Means in the sum of \$27.00 for the house located at 1141 Railroad, in the sum of \$41.00 for the house located at 1143 Railroad; the bid of C. B. Freeman in the sum of \$42.75 for the house located at 2308 Waldine; the bids of A. Heyer in the sum of \$67.50 for the house located at 2215 Rosewood, in the sum of \$8.00 for the house located at 811 Midway, in the sum of \$62.50 for the house located at 2319 Rosewood; the bid of Wallace Luersen in the sum of \$76.00 for the house located at 2806 Walter; the bids of Duff R. Tucker in the sum of \$51.00 for the house located at 706 Wayne; and the bid of Weldon Johnson in the sum of \$37.53 for the house located at 2221 Rosewood (F), were the highest and best bids therefor, and the acceptance of such bids has been recommended by the Building Official of the City of Austin, and by the City Manager; Now, Therefore,

#### BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That the above enumerated bids of Chas. McNeece, James Means, C. B. Freeman, A. Heyer, Wallace Luersen, Duff R. Tucker and Weldon Johnson, be and the same are hereby accepted, and that R. M. Tinstman, City Manager of the City of Austin, be and he is hereby authorized to execute contracts, on behalf of the City, with Chas. McNeece, James Means, C. V. Freeman, A. Heyer, Wallace Luersen, Duff R. Tucker and Weldon Johnson.

The motion, seconded by Councilman Nichols, carried by the following vote:

Ayes: Councilmen Janes, LaRue, Long, Nichols, Mayor Akin  
 Noes: None

#### HOODING OF PARKING METERS

Councilman Nichols brought up the question of hooding of parking meters, and inquired as to how it was done and what compensation the City receives. Councilman Long said the Council was asked to permit this to make the turnover more rapid around the banks for the convenience of the general public, and the banks are allowed to do this. The City Manager stated this practice started several years ago, long before the banks had their drive-in facilities.

Mr. Cal Preece, KHFI, speaking for himself, reported a situation where he had parked in a hooded meter area for a period longer than five minutes, and a complaint was filed by the particular financial institution. The ticket was paid. He said of the interest were in a fast turnover, there is a situation that could solve this rather than hooding the meters and losing city revenue. He referred to the parking arrangement at the Airport effecting a quick turnover by installation of five and ten minute parking meters. He questioned the legality of hooded meters. Councilman Long said the hooded meter was fairer to the general public than loading zones, and the radio and television people were eager to have the loading zones.

Councilman LaRue asked the City Attorney if the City Council had the authority to hood a meter or designate this area as a loading zone. The City Attorney replied the Council did have this authority. Parking meter zones are defined in the Traffic Code of the City, in such a way that during certain hours of the day parking meter regulations are not in effect. Between certain hours of the day there is a five-minute zone, at the banks, unmetered. For the balance of the day it is metered parking.

Councilman Long explained that the Council took this action for the convenience of the public at the request of the merchants involved. She also noted that on Saturday and Sunday, there is no revenue from the parking meters. She felt that there was a new situation here in Austin with drive-in banks and banks out in the outlying areas.

Councilman Long moved the Council ask the City Manager to study the parking meter situation, and come in with a recommendation. The motion, seconded by Councilman Nichols, carried by the following vote:

Ayes: Councilmen Long, Nichols, Mayor Akin, Councilmen Janes, LaRue  
 Noes: None

#### PARKING AT AIRPORT

Mayor Akin raised the question of short term parking at the airport and said there had been some complaints. He read a letter from Mr. Morin Scott relative to a ticket he had received while being parked eight minutes. There was general discussion as to what part of the parking area he was referring, and also how a person could arrange to take his luggage in or have it carried in. There was a request for more information, and Mr. Tinstman said he would get a summary of actual parking regulations.

REFUND CONTRACT

The Mayor introduced the following ordinance for its first reading:

AN ORDINANCE AUTHORIZING THE ASSOCIATED CITY MANAGER TO ENTER INTO A CERTAIN CONTRACT WITH HERMAN BROWN, ET AL, R. H. BOWMAN, AGENT, FOR THE APPROPRIATION OF MONEY PAID TO THE CITY OF AUSTIN UNDER SUCH OCNTRACT; AND DECLARING AN EMERGENCY.

The ordinance was read the first time and Councilman Long moved that the rule be suspended and the ordinance pass to its second reading. The motion, seconded by Councilman LaRue, carried by the following vote:

Ayes: Councilman Nichols, Mayor Akin, Councilmen Janes, LaRue, Long  
Noes: None

The ordinance was read the second time and Councilman Long moved that the rule be suspended and the ordinance pass to its third reading. The motion, seconded by Councilman LaRue, carried by the following vote:

Ayes: Councilman Nichols, Mayor Akin, Councilmen Janes, LaRue, Long  
Noes: None

The ordinance was read the third time and Councilman Long moved that the ordinance be finally passed. The motion, seconded by Councilman LaRue, carried by the following vote:

Ayes: Councilman Nichols, Mayor Akin, Councilmen Janes, LaRue, Long  
Noes: None

The Mayor announced that the ordinance had been finally passed.

AWARDING OF CONTRACTS

Councilman Long moved the Council pass the following resolutions on contracts:

(RESOLUTION)

WHEREAS, bids were received by the City of Austin on March 8, 1968, for the purchase of Trailers to be used by Electric Distribution Division; and,

WHEREAS, the bid of Commercial Body Corporation, in the sum of \$7,080.00, for two (2) each Cable Reel Trailers; and the bid of Utility Equipment Company, Inc., in the sum of \$5,961.00 for four (4) each Tool, Equipment and Wire Stringing Trailers, were the lowest and best bids therefor and the acceptance of such bids has been recommended by the Purchasing Agent of the City of Austin and by the City Manager; Now, Therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That the bids of Commercial Body Corporation and Utility Equipment Company, Inc, as enumerated above, be and the same are hereby accepted, and that R. M. Tinstman, City Manager of the City of Austin, be and he is hereby authorized to execute contracts on behalf of the City, with Commercial Body Corp. and Utility E uipment Company, Inc.

## (RESOLUTION)

WHEREAS, bids were received by the City of Austin on March 27, 1968, for the purchase of Transformers to be used by Electric Distribution Division; and,

WHEREAS, the bid of Priester-Mell Co., in the sum of \$14,864.00 for four (4) each 500 KVA, 277/480 Volt, Pad-Mounted Distribution Transformers; the bids of Techline, Inc., in the sum of \$15,717.00 for three (3) each 750 KVA, 277/480 Volt, Pad-Mounted Distribution Transformers, and in the sum of \$11,970.00 for two (2) each 1000 KVA, 277/480 Volt, Pad-Mounted Distribution Transformers, were the lowest and best bids therefor and the acceptance of such bids has been recommended by the Purchasing Agent of the City of Austin and by the City Manager; Now, Therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That the bids of Priester-Mell Co. and Techline, Inc., as enumerated above, be and the same are hereby accepted, and that R. M. Tinstman, City Manager of the City of Austin, be and he is hereby authorized to execute contracts on behalf of the City, with Priester-Mell Co. and Techline, Inc.

The motion, seconded by Councilman Nichols, carried by the following vote:

Ayes: Mayor Akin, Councilmen Janes, LaRue, Long Nichols  
Noes: None

## TRANSFER OF SPECIAL ASSESSMENT-CERTIFICATE

Councilman Long moved the Council authorize the following resolution:

## (RESOLUTION)

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That Charles V. Hill, Associate City Manager, be and he is hereby authorized and directed to execute a transfer and assignment of the following Special Assessment Certificate to Mutual Savings Institution; to wit:

Special Assessment Certificate No. 6406-3042-63-73 (a) P-2813 (g) for the improvement of Kirk Avenue, such certificate evidencing the special assessment of the sum of Three Hundred Forty-Two and 54/100 Dollars (\$342.54) plus penalty and interest for a portion of the cost of improving such street levied against all of 120' x 61.88' (unplatted), Outlot 48, Division "A", City of Austin, Travis County, Texas, being the same property described in deed recorded in Book 838, Page 599 of the Deed Records of Travis County, Texas.

The motion, seconded by Councilman LaRue, carried by the following vote:

Ayes: Councilmen LaRue, Long, Nichols, Mayor Akin, Councilman Janes  
Noes: None

## LEASING OF LINES FOR NEW TRAFFIC SIGNAL COMPUTER SYSTEM

Councilman Long did not believe in leasing the lines from the Telephone Company, as the City could install its own lines. There would not be much maintenance, and she believed the City could do the installation at less expense. The Associate City Manager explained the telephone company's lines were already in place, and it would be less expensive for the City to lease them than to put in new lines. The City Manager pointed out the City was leasing on a month to month basis; and perhaps in the future with technology that is developing, the system may be out moded in 10, 14, or 20 years. He suggested this this matter be held for a week, and he would get full details of what the total system would cost.

## BRANCH LIBRARY IN MONTOPOLIS AREA

Councilman Long asked for infromation as to the location of this Library in conjunction with the one at Oak Springs. The Librarian, Mr. Holt, stated the Montopolis Library would be built on Montopolis Drive. Councilman Long was interested in the use of the bookmobile in this area, and about the circulation. Action was deferred until more complete information was available.

## "MINI" BOARS FOR FIESTA GARDENS

Mr. Tinstman explained that this morning there had been contact with another boat manufacturer, and it might be possible to secure similar or better boars at less cost. He asked that the matter be deferred for one week.

Councilman Long moved the Council deferre this a week. The motion, seconded by Councilman LaRue, carried by the following vote:

Ayes: Councilmen LaRue, Long, Nichols, Mayor Akin, Councilman Janes  
Noes: None

## PURCHASE OF PROPERTY FOR MISSOURI PACIFIC BOULEVARD

The City Attorney, regarding the property at 1007 Winsted Lane, reported the owners had contacted the City and offered to sell the property for \$14,800. They either want to, or have purchased a new home, and are anxious to relocate.

Councilman Long moved the Council vote to purchase the property at 1007 Winsted Lane for \$14, 800. The motion, seconded by Councilman Nichols, carried by the following vote:

Ayes: Councilman Nichols, Mayor Akin, Councilmen Janes, LaRue, Long  
Noes: None

The City Attorney reported this property at 5701 Fairlain Drive was ready to be purchased in order to relocate a railroad track. Appraisals were listed. The City Manager called attention to five tracts that had to be acquired very soon, so that the facilities could be moved to another site ahead of the excavation that would occur. This particular porperty was the only one that was ready for Council action. Councilman Nichols moved the Council authorize the purchase of the property at 5701 Fairlain Drive.

The motion seconded by Councilman Janes, carried by the following vote:

Ayes: Mayor Akin, Councilmen Janes, LaRue, Long, Nichols  
Noes: None

#### BLACK ARTS FESTIVAL

The City Manager stated a group of young people had gone before the Parks and Recreation Board initially, proposing a Black Arts Festival, and asked for the use of East 11th Street for part of their ceremonies. According to the Police Department the area on Angelina Street, which is a new street with no buildings or residences near by, would be a more desirable location; and in view of the heavy travel on East 11th Street, and the Commercial properties in the area, it would be his recommendation also that Angelina Street would be more appropriate. The Council, on Councilman Long's motion, seconded by Councilman LaRue, granted the request to use Angelina Street as outlined.

#### CORPORATION COURT STUDY

Councilman LaRue called the Council's attention to the report that came from the Grand Jury last week, and also pointed to the recommendation contained in the Grand Jury report. To be certain the recommendation was placed on record in the Minutes he read the recommendation as follows:

"We have conducted a thorough investigation of the affairs of the Corporation Court and we have found no offense for which anyone could be indicted. We recommend and urge that the City Council under its power as granted by the City Charter conduct its own investigation for the purpose of establishing a clearly defined set of rules of procedure and conduct for the Corporation Court and its personnel and influence of the City Council on the Court."

Councilman LaRue said it seemed the Council had no choice but to follow out the recommendation of the recently discharged Grand Jury. He recalled the Council had this matter up to the point of at least looking into it, and some of the City personnel were available with records; however, it was decided at that time, since the Grand Jury was looking into this, that the Council defer action and give the officially investigative body of Travis County the opportunity to continue its investigation. The Grand Jury came up with this recommendation, and he felt it was incumbent upon the Council to do exactly what was recommended by the Grand Jury and carry out the investigation. It is the Council's duty and responsibility to do this at an open hearing to the same extent that the Council would probably look into something else of a different nature. On the basis of this recommendation of the Grand Jury, Councilman LaRue moved that a date convenient to the Council and Staff, comparable to the time set last time (2:00 P.M.) or 10:00 A.M., be set and that the Council start again at the point where they left off some four weeks ago.

Councilman Nichols asked if they were starting again, not to go back just one year. Councilman LaRue had no recommendation as to whether it would be one

year or not. If there were a feeling on the part of any Council member that it would encompass a period of time longer than that, he said he would have no objections. Councilman Long stated the Grand Jury was suggesting that the Council set up procedures for the Court, and that two or three members of the Council suggested that a committee from the Bar, who may be studying procedures for the Court, work with the Council, and this would probably be a good way to proceed on the Grand Jury's suggestion.

Councilman Janes did not care to make a suggestion until he knew what they were discussing. He was in favor of investigating the total procedures and establishing procedures that would preclude any tampering of any kind with the Court. Councilman LaRue stated if it were to be determined exactly what the procedures had been, it could be done only by calling in those individuals involved. By that, it could be found out if there had been a breakdown in the dispensation of justice, if this is what has been inferred. If there had been a different treatment accorded to some individuals and not accorded to all--if this were what was inferred--then the only way that could be determined would be to have those people familiar with the practices that have been carried out in the past come before the Council. The Council then would be in a position to make a recommendation as to how to prevent this breakdown in the future.

After discussion, Councilman LaRue withdrew his motion, stating he would actually track the wording of the Grand Jury. Councilman LaRue then moved that the Council establish a time and a place to conduct its own investigation for the purpose of establishing a clearly defined set of rules of procedure and conduct for the Corporation Court and its personnel. Councilman Janes seconded the motion.

In this connection, Councilman Nichols stated if this were going to be an investigation, he should like to make a statement about his investigation, as follows:

"Whenever a question is raised as to the course of action of a governmental agency, body or court, it is essential that all facts involved be made public. Such is the situation that is now before us. For this reason it is my belief that a complete review of our Municipal Court should be made and all information obtained released to the public and the news media. We should know year by year the number of cases handled, the actual trials, the number of convictions, the number of appeals, the number of cases dismissed, the names and addresses of the persons whose cases were dismissed and the reason for such dismissal. We should also receive the information as to what appeals have been taken and the disposition of each case upon appeal specifically. I would urge this Council to instruct the City Manager to immediately take the following action: For a period of the immediate past 10 years and upon a year by year basis, and for each municipal judge, obtain the following information: The number of cases filed yearly, the number of cases disposed of during each calendar year by each judge, and the total by type of dispositions, such as convictions, acquittals, dismissals, and so forth, the number of cases appealed, the type of case, name of persons charged and the

disposition on appeal of each appeal case, a complete detailed listing of each case which was dismissed by Municipal Judges, setting forth the charge, name and address of the defendant and the reason, if any, shown for such dismissal. There should also be included in the list any reduction in the nature of the offense charged as originally filed. Interviews should be had with every Clerk, Bailiff, Municipal Judge, Prosecuting Attorney, Police Chief, Police Officer or any other employee now employed, or employed during such 10 year period when available so as to obtain any information relating to any person or persons asserting or attempting to assert pressure upon any action to be taken in relation to any case pending before the Municipal Court of the Police Department. This report should be completed as expeditiously as possible. For the immediate I would ask the Travis Bar Association to appoint a committee to work with the two new judges to be appointed to establish local rules for procedure for the Municipal Court. These rules should be completed within 30 days. It would recognize the right of the individual judge to control his own docket, as to dismissals. But it would also contemplate that to a time would be designated each week when the two judges would consider in open court before the public and the press the dismissals of complaints. Except as such specified time during actual open court trial, no complaints would be dismissed. The reason for such dismissals should be noted on the docket. Appearance or conduct of any person relating to a dismissal would be noted on the docket. The rules should further prescribe the method and procedure where by all traffic tickets issued or arrest made would be docketed and a reconciliation of all tickets maintained. By this position I am not attempting to question any past or present municipal judge, police chief or any employee. I just believe that if we are going to go into this thing on a witch hunt basis, that all the information should be obtained so that every citizen and Council may make his or its own decision."

He stated if they want to talk about procedure, that's one thing. If they want to go back into this matter and make it a witch hunt and bring up all the cases that have been dismissed, and any cases that may have been brought before the Grand Jury, he favored going back 10 years and publishing the names and addresses of all the people involved in this situation.

Mayor Akin recalled the Council did relinquish the announced investigation in the Council Chamber in favor of the higher investigative authority of the Grand Jury, and they reported they found no irregularities of an indictable nature. He was willing to relinquish further investigative activity, as far as this Council is concerned, except in the interest of a forward-looking study of the Corporation Court, with the hope and expectation that improvements and rules and procedural activities might be which will be in the interest of avoiding irregularities in the future. Possibly there may have been irregularities in the past, whether for the last year or for the last 10 years; but at this time, he stated he preferred taking the positive approach--appraise and evaluate as constructively as possible the establishing of new rules of procedure for the help of the Judges and the Corporation Clerk and his staff, and to build greater confidence in the operation of the Corporation Court.

Councilman Janes called attention to the motion which was to conduct an investigation, the purpose of which was to establish a clearly defined set of rules of procedure. Councilman LaRue stated if the language as recommended by the Grand Jury were followed, this would be the most objective and direct approach the Council could take. He said this would certainly extend the discussions that had taken place the last month or so had given the public some feeling that they might question some of the actions taken by the previous courts and the Judges; and there might be some questions in their minds as to whether they might have been treated differently than other people might have been. It would seem, he said, that the only way to determine whether or not there was a miscarriage of justice, would be to do this at an open hearing in a manner prescribed, recommended and urged by the Grand Jury.

Councilman Long stated she could not go along with this business of a "witch hunt" which is being proposed. She agreed with the Mayor that the Council should have the aid of the Judges themselves and of the Bar Association, and from the new Judges, and figure out some of the procedures for the Court.

Mayor Akin suggested concentrating upon setting up rules of procedure for clearer guidance of the Court Officials, and there is a need for clarification of what actually is meant to take place. Councilman LaRue noted the motion spells it out--there would be no question. He reiterated the motion is the same wording as that used by the Grand Jury, and he could not see how they could arrive at a conclusion as to improving the procedure without looking at what had transpired in the past.

In the Council's review of the motion, discussion centered around the work "investigation". Councilman Janes said he did not know the procedures that had been followed in the Court, and asked how could the Council be informed except by investigation; nor did he understand this "witch hunt". If there were some dark secrets in the Court, he wanted to know about them. Mayor Akin was of the opinion the wording of the motion was very broad, and he could not vote for it, as he did not think it would accomplish the positive constructive purpose for which all agree could be improvement in the procedures, and the Council's efforts should be directed toward improved procedures. He stated the Travis County Bar Association would be willing to assist the Council in setting up procedures. Councilman LaRue was reluctant to turn the responsibility of the Council over to another body. He repeated the recommendation of the Grand Jury, stating it would be a dereliction of duty if the Council asked another body to come in and look at the possibility of establishing procedures for the Corporation Court and its personnel.

Councilman LaRue amended his motion, moving that the Council establish a time and place to conduct its own study for the purpose of establishing a clearly defined set of rules of procedure and conduct for the Corporation Court and its personnel. Roll call showed a unanimous vote.

Councilman Nichols moved that the City Manager be asked to contact the Bar Association to make a study of the rules and procedures of Corporation Court to bring to the Council. The City Manager suggested that he and the Mayor talk to

the corporation Court Clerk, the Presiding Judges, and a few other people, and come back with some recommendations. The Mayor said that would be an orderly approach, and asked if this would be agreeable with the Council. The Councilman informally agreed, and Councilman Nichols withdrew his motion.

## COMPLAINT ON CROWING ROOSTERS

Mayor Akin had received a telephone call making a complaint about a crowing rooster, and asked if there were any ordinance regarding an anti-crowing rooster. The City Attorney replied there was an ordinance in the books; and a case was filed and the ordinance was held invalid by the Texas Board of Criminal appeals. The City Manager explained there were general ordinances relating to disturbing the peace, health and sanitation; and a citizen could file a complaint under those ordinances. Mayor Akin said the complainant could consult her private attorney and bring a civil suit. The City Manager said he would review the existing ordinance, and would write to the person on behalf on the Council and give her the best advice.

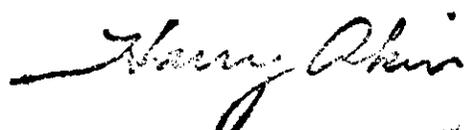
Councilman Long called attention to the letter from Mr. Darrozett asking the judges and enforcement officials and agencies to attend a meeting at 2:00 P.M. having to do with the bail bond.

There being no further business Councilman Long moved the Council adjourn. The motion, seconded by Councilman LaRue, carried by the following vote:

Ayes: Councilman LaRue, Nichols, Mayor Akin, Councilmen Janes, Long  
Noes: None

The Council adjourned at 4:10 P.M.

APPROVED

  
\_\_\_\_\_  
Mayor

ATTEST:

  
\_\_\_\_\_  
City Clerk